

## REMARKS

Claims 1-154 are cancelled.

Claims 155-193 are in the application.

Claims 155, 160-163, 168, 177-179 and 182 are amended.

Claims 183-193, including independent claim 183, are new.

## FORMAL REJECTIONS

Claims 155-181 are rejected under 35 U.S.C. § 112, second paragraph as being allegedly indefinite. Without prejudice or disclaimer, applicants have amended claims 155, 162, 168, 177, and 179 to employ the word “input” instead of “generated”. The Examiner had expressed the opinion that any act of the user which results in the data is deemed to “generate” it. This amendment is intended to maintain the previously argued distinction from Hey, that is, that in Hey the user is required to input the “characteristic” information, while the present claims disclaim this possibility.

## ART REJECTIONS

Claims 155, 162, 177, 179 and 182 are rejected under 35 U.S.C. § 102(b) as being anticipated by Robertson.

Robertson relates to a book recommendation system which relies on authors’ name.

Based on the lack of an art rejection for claims 156, 161, 163, 174, it is inferred that by limiting the scope of the claims to media “programs”, that the art, which relates to books (and therefore not programs) is distinguished. Each of claims 155-181 now incorporates this limitation, and therefore they are believed to be patentable over the art.

Claim 182 is amended to recite that the characteristics are content-dependent, not the more inclusive content-related. The identification of an author of a work is not itself a part of the content of that work, and therefore Robertson is believed distinguished.

Claim 183 (new) requires consideration of a plurality of characteristics of the media, and thus distinguishes Robertson and Hey, which each consider a single characteristic, e.g., “author” (Robertson) or “rating” (Hey). It is noted that, where a plurality of characteristics are each considered, the result for each corresponding characteristic must be somehow be combined, a teaching absent from the prior art.

#### CONCLUSION

It is respectfully submitted that the application is in form for allowance. If any issues remain outstanding, the Examiner is respectfully invited to call the undersigned for an Interview.

Respectfully submitted,

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